

1 UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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3 ANTONNE M. JONES

4 Plaintiff,

5 v.

6 ROC-A-FELLA FILMS, INC., LIONS GATE FILMS, INC.,
7 DAMON DASH, and SHAWN CARTER

8 Defendants.
9 ----- X

: 07 Civ. 3648 (HB)(KNF)

: **ORDER TO SHOW**
: **CAUSE TO**
: **WITHDRAW AS**
: **COUNSEL**

10 Upon the accompanying Declaration of Michael L. Novicoff dated September
11 26, 2007, the Declaration of Marjorie E. Berman dated September 28, 2007, and upon all prior
12 proceedings had herein, it is hereby:

13 **ORDERED** that, defendants Roc-A-Fella Films, Inc. and Damon Dash show cause
✓ 14 before this Court at Room 6A, United States Courthouse, 500 Pearl Street, New York, New
15 York 10007 on the 5 day of October 2007 at 10:30a.m. or as soon thereafter as
16 counsel can be heard, why an Order pursuant to Local Civil Rule 1.4 should not be entered
17 relieving as counsel the firms of Liner Yankelevitz Sunshine & Regenstreif LLP and Krantz &
18 Berman LLP; and it is further
19

20 **ORDERED** that a copy of this Order and of the papers upon which it is based shall be
✓ 21 served by overnight delivery for delivery no later than October 1, 2007, upon (1)
22 Damon Dash and Roc-A-Fella Films located at 25 West 39th Street, 14th Floor, New York, New
23 York 10018 and (2) the counsel for all other parties to this matter; and it is further
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From: MNOVICOFF [mnovicoff@linerlaw.com]
Sent: Monday, September 17, 2007 5:34 PM
To: MNOVICOFF; rwallack@kasowitz.com
Cc: EKLEIN; Marjorie Berman
Subject: RE: Jones v. Dash, et al.

Hi Robert - I just wanted to confirm that you're still going to be providing me with this change-of-counsel document tomorrow. Thanks, Mike

From: MNOVICOFF
Sent: Tuesday, September 11, 2007 11:20 AM
To: 'rwallack@kasowitz.com'
Cc: 'ddash@mycingular.blackberry.net'; EKLEIN; 'Marjorie Berman'
Subject: Jones v. Dash, et al.

It was good speaking with you just now, Robert, and I am just writing to confirm my understanding that you will, no later than Tuesday 18 September, provide me and Ms. Berman with a fully-executed Consent to Change Counsel removing our respective firms as counsel in this matter and replacing them with The Wallack Firm (which I understand you to be in the process of incorporating).

I do wish you (and Damon) the best and look forward to hearing from you again very soon. I'll be available to you anytime.

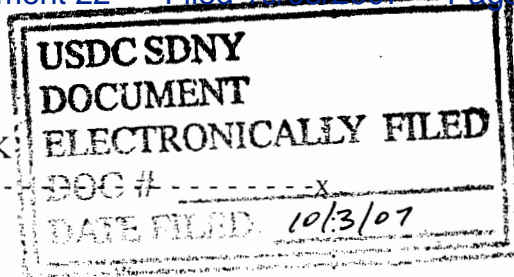
Best, Mike

Michael L. Novicoff, Esq.
LINER YANKELEVITZ SUNSHINE & REGENSTREIF LLP
1100 Glendon Avenue | 14th Floor
Los Angeles, CA 90024.3503
main: 310.500.3500
dir: 310.500.3634
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mnovicoff@linerlaw.com
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IRS Circular 230 Disclosure: To ensure compliance with Treasury Department Regulations, we advise you that, unless otherwise expressly indicated, any federal tax advice contained in this communication was not intended or written to be used, and cannot be used, for the purpose of (i) avoiding tax-related penalties under the Internal Revenue Code or applicable state or local tax law provisions or (ii) promoting, marketing or recommending to another party any tax-related matter addressed herein.

9/28/2007



1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

3 ANTONNE M. JONES

4 Plaintiff,

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6 ROC-A-FELLA FILMS, INC., LIONS GATE FILMS, INC.,
7 DAMON DASH, and SHAWN CARTER

8 Defendants.

: 07 Civ. 3648 (HB)(KNF)

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12 proceedings had herein, it is hereby:

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18 Berman LLP; and it is further
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22 Damon Dash and Roc-A-Fella Films located at 25 West 39th Street, 14th Floor, New York, New
23 York 10018 and (2) the counsel for all other parties to this matter; and it is further
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1 **ORDERED** that any opposition papers be served by overnight delivery or by hand upon
2 Krantz & Berman LLP at 7474 Third Avenue, 32nd Floor, New York, New York 10017 at least
3 two days prior to the return date of this Order to Show Cause.
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7 Dated: New York, New York
8 September 28, 2007

ENTER: Kevin Fox
Kevin Fox
U.S. Magistrate Judge

10
11 **KRANTZ & BERMAN LLP**
12 747 Third Avenue
13 32nd Floor
14 New York, New York

15 By: Marjorie E. Berman
16 Marjorie E. Berman (MB 8993)
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1 UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ANTONNE M. JONES

3 Plaintiff,

4 v.

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6 ROC-A-FELLA FILMS, INC., LIONS GATE FILMS, INC.,
DAMON DASH, and SHAWN CARTER

7 Defendants.
8 -----x

: 07 Civ. 3648(HB)(KNF)

:
: **DECLARATION OF**
: **MICHAEL L. NOVICOFF**
: **IN SUPPORT OF**
: **ORDER TO SHOW**
: **TO WITHDRAW**
: **AS COUNSEL**

9 **MICHAEL L. NOVICOFF** declares, under penalty of perjury, pursuant to 28 USCA §
10 1746, that the following is true and correct:

11 1. I am a partner in the law firm of Liner Yankelevitz Sunshine & Regenstreif LLP,
12 based in Los Angeles, California. I am a member of the State Bar of California, and I, along with
13 my partner Edward A. Klein and our colleague Ryan M. Lapine, have been admitted as counsel *pro*
14 *hac vice* in this action for defendants Damon Dash and Roc-A-Fella Films, Inc. The law firm of
15 Krantz & Berman LLP acts as our clients' local counsel in New York.

17 2. On September 4, 2007, I was informed by Mr. Dash that both my firm and Krantz &
18 Berman would be replaced as counsel in this action, and that we would be informed of the identity
19 of new counsel within a few days.

21 3. On September 10, 2007, I was informed that a lawyer in New York named Robert
22 M. Wallack would be replacing both my firm and Krantz & Berman as counsel for Mr. Dash and
23 Roc-A-Fella Films in this action. I called Mr. Wallack the next day, and he confirmed this
24 information. Mr. Wallack told me that he was in the process of forming a new law firm, but that
25 formal papers discharging both my firm and Krantz & Berman would be provided to me no later
26 than September 18, 2008. I confirmed this conversation in writing, in an e-mail sent to both Mr.
27 Wallack and Mr. Dash, and a true and correct copy of that writing is annexed as Exhibit A.
28

1 4. Nothing arrived from Mr. Wallack, so on September 17, 2007 I sent him another
2 message by e-mail asking him to confirm that I would be receiving the formal substitution
3 documents the next day. A true and correct copy of that writing is annexed as Exhibit B.

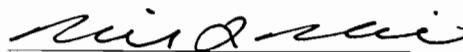
4 5. Mr. Wallack did not respond to me, so I called him on September 18, 2008, and at
5 that time he did in fact confirm to me that the formal substitution documents would arrive by the
6 end of that week - that is, by Friday September 21, 2007.

7 6. Once again nothing arrived, so on September 24, 2007 my partner, Edward A.
8 Klein, called Mr. Wallack to confirm that the documents were on the way. Mr. Wallack told Mr.
9 Klein that he did not have time to talk but that he would call back.

11 7. Because Mr. Wallack did not call back as promised, Mr. Klein wrote to both him
12 and to Mr. Dash to advise them that if no substitution documents were received by Thursday,
13 September 27, both our firm and the Krantz & Berman firm would file a motion the next day
14 seeking leave to withdraw pursuant to Local Civil Rule 1.4. In order to preserve the attorney-client
15 privilege, I have not annexed that document to this Affidavit but will provide it to the Court for *in*
16 *camera* review if directed to do so.

18 8. Since that time, neither I nor my law firm have received any further information
19 from either Mr. Dash or Mr. Wallack. Accordingly, I, Edward A. Klein and Ryan M. Lapine,
20 along with our law firm, now move respectfully for an order permitting us to withdraw as counsel
21 in this action.

22 Dated: September 26, 2007
23 Los Angeles, California

24 
25 Michael L. Novicoff
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2 SOUTHERN DISTRICT OF NEW YORK

3 -----x
4 ANTONNE M. JONES

5 Plaintiff,

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8 DAMON DASH, and SHAWN CARTER

9 Defendants.
10 -----

: 07 Civ. 3648(HB)(KNF)

:
: **DECLARATION OF**
: **MARJORIE E. BERMAN**
: **IN SUPPORT OF**
: **ORDER TO SHOW**
: **CAUSE TO WITHDRAW**
: **AS COUNSEL**

11 **MARJORIE E. BERMAN** declares, under penalty of perjury, pursuant to 28 USCA §
12 1746, that the following is true and correct:

13 1. I am a partner in the law firm of Krantz & Berman LLP. We serve as local counsel
14 in New York for Roc-A-Fella Films, Inc. and Damon Das in the above-referenced action.

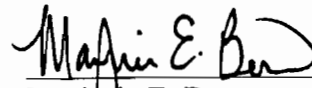
15 2. As set forth in the attached Declaration of Michael L. Novicoff, I am informed by
16 the firm of Liner Yankelevitz Sunshine & Regenstreif that the clients have relieved this firm as
17 counsel. I have had no direct communication with defendants but have been referred by
18 defendants' office to speak with Mr. Wallack who advised me some weeks ago that he would be
19 substituting as counsel.

20 3. This case is in the initial stages of discovery. No depositions have been conducted.
21 Document requests have been served but the time to respond has not expired. The discovery cut-
22 off date is February 2008.

23 4. This withdrawal of counsel will not interfere with the orderly progress of this matter
24 within the time frames set by the court.

25 8. Accordingly, I move respectfully for an order permitting this firm to withdraw as
26 counsel in this action.
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1 Dated: September 28, 2007
2 New York, New York

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4 Marjorie E. Berman
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I do wish you (and Damon) the best and look forward to hearing from you again very soon. I'll be available to you anytime.

Best, Mike

Michael L. Novicoff, Esq.
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Best, Mike

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